THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 9188 of 2006

Dated: 25.07.2007

Between:

S. Balakotaiah.

..... PETITIONER

AND

The A.P. State Road Transport Corporation,
rep. by its Managing Director,
Musheerabad, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 9188 of 2006

Order:

The petitioner, while working as Senior Traffic Inspector in the respondent-Corporation, retired from service on 31.01.1999 on attaining the age of superannuation. His grievance is that he was a member of the Family Pension Scheme and though the respondent-Corporation deducted the amounts from his salary towards Family Pension Scheme from 1964 to 1994, the same have not been paid to him after his retirement, in spite of his several representations. Hence, he filed the present writ petition.

A counter affidavit is filed by the respondents. Reiterating the counter averments learned Standing Counsel for the respondent-Corporation submits that in the year 1981-82 and 1983-84, a sum of Rs.289/- was retained from the salary of the petitioner towards provident fund accumulations erroneously on the presumption that he was a member of the Family Pension Scheme. He further submits that since the petitioner has not exercised any option to become a member of the Family Pension Scheme, such erroneous retention of amounts are liable to be refunded and it does not confer any right on the petitioner to claim membership to the Family Pension Scheme. He further submits that the respondent-Corporation has agreed to refund the said amount of Rs.289/- to the petitioner with prescribed interest within a period of one month.

Having regard to the facts and circumstances of the case, and in

view of the submission made by the learned Standing Counsel for the respondent-Corporation, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The respondent-Corporation is directed to refund the amount of Rs.289/- to the petitioner, which was erroneously retained from his salary towards provident fund accumulations, with prescribed interest within a period of one month from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 25.07.2007
Nsr